

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 05, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

GILBERT OROSCO,

Defendant.

No. 4:24-CR-06021-SAB-1

**ORDER GRANTING
PROTECTIVE ORDER**

Before the Court is the Government's Unopposed Motion for Protective Order, ECF No. 15. The Government is represented by Jeremy J. Kelley. Defendant is represented by Alex B. Hernandez, III. The motion was considered without oral argument.

Upon review, and being fully informed, grants the Government's motion for protective order. The following Protective Order regulates disclosure of the discovery materials and the sensitive information contained therein to defense counsel and complies with the Government's discovery obligations.

Accordingly, **IT IS HEREBY ORDERED:**

1. The Government's Unopposed Motion for Protective Order, ECF No. 15, is **GRANTED**.

1 2. The Government is authorized to disclose the discovery including
2 sensitive information and materials (hereinafter “Discovery”) in its possession
3 pursuant to the discovery obligations imposed by this Court.

4 3. Government personnel and counsel for Gilbert Orosco (“Defendant”),
5 shall not provide, or make available, the sensitive information in the Discovery to
6 any person except as specified in the Order or by approval from this Court.
7 Counsel for Defendant and the Government shall restrict access to the Discovery,
8 and shall only disclose the sensitive information in the Discovery to their client,
9 office staff, investigators, independent paralegals, necessary third-party vendors,
10 consultants, and/or anticipated fact or expert witnesses to the extent that defense
11 counsel believes is necessary to assist in the defense of their client in this matter or
12 that the Government believes is necessary in the investigation and prosecution of
13 this matter.

14 4. Third parties contracted by the Government or counsel for Defendant
15 to provide expert analysis or testimony may possess and inspect the sensitive
16 information in the Discovery, but only as necessary to perform their case-related
17 duties or responsibilities in this matter. At all times, third parties shall be subject to
18 the terms of the Order.

19 5. Discovery in this matter will be available to defense counsel via
20 access to a case file on USA File Exchange. Counsel for Defendant may download
21 Discovery from USA File Exchange and shall exercise reasonable care in ensuring
22 the security and confidentiality of the Discovery by electronically storing the
23 Discovery on a password-protected or encrypted storage medium, including a
24 password-protected computer, or device. If Discovery is printed, Counsel must also
25 exercise reasonable care in ensuring the security and confidentiality of the
26 Discovery by storing copies in a secure place, such as a locked office, or otherwise
27 secure facility where visitors are not left unescorted.
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1 6. If, during the pendency of the case, Defendant requests a copy of the
2 any Discovery items from Counsel for Defendant, Counsel may provide a copy of
3 Discovery items to the defendant provided that Counsel advises Defendant of the
4 requirements of the Protective Order and ensures that all sensitive third-party
5 information contained in the Discovery, such as social security numbers, dates of
6 birth, and bank account numbers, is fully redacted. Counsel for Defendant may
7 review Discovery with a witness or potential witness in this case subject to the
8 requirement that before being shown any portion of the Discovery, any witness or
9 potential witness must be informed of the requirements of the Protective Order and
10 no witness or potential witness may retain any copies of the Discovery after his or
11 her review of those materials with Counsel is complete.

12 7. All counsel of record in this matter, including counsel for the
13 Government, shall ensure that any party, including the Defendant, that obtains
14 access to the Discovery, is advised of this Order and that all information must be
15 held in strict confidence and that the recipient may not further disclose or
16 disseminate the information. Any other party that obtains access to, or possession
17 of, the Discovery containing discovery information once the other party no longer
18 requires access to or possession of such Discovery shall promptly destroy or return
19 the Discovery once access to Discovery is no longer necessary. No other party that
20 obtains access to or possession of the Discovery containing sensitive information
21 shall retain such access to or possession of the Discovery containing sensitive
22 information unless authorized by this Order, nor further disseminate such
23 Discovery except as authorized by this Order or the further Order of this court. For
24 purposes of this Order, “other party” is any person other than appointed counsel for
25 the Government or counsel for Defendant.

26 8. All counsel of record, including counsel for the Government, shall
27 keep a list of the identity of each person to whom the Discovery containing
28 sensitive information is disclosed and who was advised of the requirements of this

1 Order. Neither counsel for Defendant nor counsel for the Government shall be
2 required to disclose this list of persons unless ordered to do so by the Court.

3 9. Upon entry of a final order of the Court in this matter and conclusion
4 of any direct appeals, government personnel and counsel for Defendant shall
5 retrieve and destroy all copies of the Discovery containing sensitive information,
6 except that counsel and government personnel may maintain copies in their closed
7 files following their customary procedures.

8 10. Government personnel and counsel for Defendant shall promptly
9 report to the Court any known violations of this Order.

10 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to enter
11 this Order and provide copies to counsel.

12 **DATED** this 5th day of September 2024.



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18 Stanley A. Bastian
19 Chief United States District Judge
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